

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
E/S Oakland Road, 230' N of	
the c/l of Francis Avenue	* ZONING COMMISSIONER
(5635 Oakland Road)	
13th Election District	* OF BALTIMORE COUNTY
1st Councilmanic District	
	* Case No. 96-75-A
Michael A. Kuhn, Sr., et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 5635 Oakland Road, located in the vicinity of Washington Boulevard in Halethorpe. The Petition was filed by the owners of the property, Michael A. Kuhn, Sr., and his wife, Terry L. Kuhn. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to the existing detached garage with a height of 16 feet in lieu of the maximum permitted 15 feet. The subject property and relief sought are more particularly described on the site plan submitted, which was accepted into evidence as Petitioner's Exhibit 1.

This matter was originally filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code (BCC) which allows the Zoning Commissioner to grant variance relief without the necessity of a public hearing in some cases. In this instance, a request for public hearing was entered by Frank and Barbara Wagenhoffer, adjoining property owners. Thus, the matter was scheduled for a public hearing on October 18, 1995.

Appearing on behalf of the Petition were Michael A. Kuhn, Sr., property owner, and Thomas Kemper. Appearing in opposition to the request were Frank and Barbara Wagenhoffer, and their daughter.

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

1/27/95
[Signature]

Testimony and evidence offered revealed that the subject property consists of 7,000 sq.ft. in area, zoned D.R. 5.5, and is improved with a two-story dwelling which fronts Oakland Road, and the subject detached garage to the rear of the site, adjacent to a small alley. Mr. & Mrs. Kuhn have owned and resided on the property for the past 8 years. Testimony revealed that Mr. Kuhn commenced construction of an addition above the existing garage and that this addition is close to completion. Apparently, Mr. Kuhn's avocation is to collect and restore antique automobiles. In order to provide additional storage space for household goods and more room for pursuing this hobby, Mr. Kuhn constructed an addition above the existing garage which ultimately increased the height of the structure to 16 feet. Mr. Kuhn testified that the addition is in keeping with other improvements in the area and was the only logical method of expanding the garage to provide additional storage space.

For their part, the Wagenhoffers generally object to the garage. More specifically, they raised objections to Mr. Kuhn's use of the lot. Apparently, Mr. Kuhn is engaged in the business of hauling away and disposing of unusable items. The Wagenhoffer's fear that Mr. Kuhn will use the additional storage space for his business and voiced their objections to the use of the property as a junk yard and the storage of items associated with his business on or about the property.

Based on the testimony and evidence presented, I am persuaded to grant the variance. In my view, the Petitioners have satisfied the requirements of Section 307.1 of the B.C.Z.R. and the case law. The addition to the garage shall therefore be approved; however, several conditions shall attach to the approval given.

033063607 FEB 1968

ORDER RECEIVED FOR FILING

Date

By

1/27/65
Ryp

I concur with the Wagenhoffer's assessment that the property should be properly maintained and used for residential purposes, only. Thus, as a restriction to the relief granted, I will require that the property, including the garage, be utilized for residential purposes, only, and activities properly accessory thereto. Moreover, the property owner shall maintain the property free of debris and clear of other items. To insure compliance with these restrictions, I will require that the Petitioners provide access to the property and the interior of the structure by a Zoning Enforcement Inspector of the Permits and Development Management (PDM) office. Upon reasonable request, the Inspector shall be given the opportunity to inspect the premises to insure compliance with this Order and the restrictions imposed therein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of October, 1995 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to the existing detached garage with a height of 16 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Petitioner shall not allow or cause the garage addition to be converted to a second dwelling unit

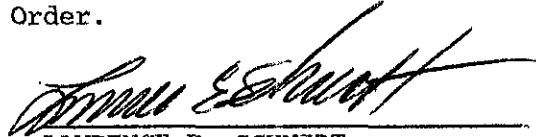
ORDER RECEIVED FOR FILING
Date 10/27/95
By [Signature]

and/or apartments. The garage and its addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Permits and Development Management office, Zoning Enforcement Division, to make an inspection of the property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

4) The subject property, including the garage, shall be utilized only for residential purposes and activities properly accessory thereto. Furthermore, the property owner shall maintain the property free and clean of debris and other items.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/27/95
By [Signature]

NOT A PUBLIC RECORD

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 27, 1995

Mr. & Mrs. Michael A. Kuhn, Sr.
5635 Oakland Road
Baltimore, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Oakland Road, 230' N of the c/l of Francis Avenue
(5635 Oakland Road)
13th Election District - 1st Councilmanic District
Michael A. Kuhn, Sr., et ux - Petitioners
Case No. 96-75-A

Dear Mr. & Mrs. Kuhn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Frank J. Wagenhoffer
5633 Oakland Road, Baltimore, Md. 21227

Mr. & Mrs. Joseph W. Kaplan, Jr.
5631 Oakland Road, Baltimore, Md. 21227

People's Counsel

✓ File

MICROFILMED





Petition for Administrative Variance

96-75-A
to the Zoning Commissioner of Baltimore County
for the property located at 5635 Oakland rd.

which is presently zoned DR 5-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3, BCZR

To allow an addition on top of the existing detached garage with a height of 16 feet in lieu of the maximum required 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

see reverse side →

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

5635 Oakland rd.

Address

410-247-0654

Phone No.

Baltimore,

City

MD.

State

21227

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: gf

DATE: 8/28/95

ESTIMATED POSTING DATE: 9/10/95



Printed with Soybean Ink
on Recycled Paper

ITEM #: 93

ORDER RECEIVED FOR FILING

Date 1/27/96

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5635 Oakland Rd.
address
Baltimore, MD. 21227
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Having nearly spent all my savings on this project
it truly would be a financial hardship on me since
3/4's of the project is complete.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Michael A. Kuhn  Terry L. Kuhn
(signature) (signature)
Michael A. Kuhn Terry L. Kuhn
(type or print name) (type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of August, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael A. Kuhn

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/28/95
date

Terry L. Kuhn
NOTARY PUBLIC
TERRY L. KUHN
My Commission Expires:
July 27, 1996

EXAMPLE 3 - Zoning Description

- 3 copies

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

96-75-A

ZONING DESCRIPTION FOR 5635 Oakland Rd.
(address)

Beginning at a point on the East side of Oakland rd.
(north, south, east or west) (name of street)
which is 50'
street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 230 ft. North of the FRANK'S AVE.
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street

(name of street)

which is 50' wide. *Being Lot # 11,
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of Halethorpe Apts.
(name of subdivision)

Plat 1

as recorded in Baltimore County Plat Book # 10, Folio # 110, containing

7000. Also known as 5635 Oakland Rd.
(square feet or acres) (property address)

and located in the 13th Election District, 1 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-75-17

District 130

Date of Posting 9/8/95

Posted for: Variance

Petitioner: Anthony & Terry Munn

Location of property: 6635 Oakland Rd, E/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by [Signature]
Signature

Date of return: 9/15/95

Number of Signs: 1



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-75-12

District 130 Date of Posting 9/29/95
Posted for: Variances
Petitioner: Michael + Terry Kuhn
Location of property: 9635 Oakland Rd
Location of Signs: Facing road way on property being zoned
Remarks: _____
Posted by [Signature] Date of return: 10/6/95
Number of Signs: 1



APPROVED

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118 Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-75-A (Item 93)
5635 Oakland Road
-E/S Oakland Road, 230' of
-of Francis Avenue
13th Election District
1st Councilmanic
Legal Owner(s):
-Michael Anthony Kuhn, Sr.
and Terry L. Kuhn
Hearing: Wednesday,
October 18, 1995 at 11:00
a.m. in Rm. 106, County
Office Building.

Variance: to allow an addition on top of the existing attached garage with a height of 18 feet in lieu of the maximum required 15 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.
(2) For information concerning
the File and/or Hearing, Please
Call 887-3391.
9/25 Sept. 28.

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 31 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

LTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

96-75

074940

DATE 7/25/95

ACCOUNT R-001-615-000

AMOUNT \$ 85.00

RECEIVED
FROM:

KUHN, Michael

010 - Van - 50 ITEM # 93

080 - Sign - 31 Taken by JER

FOR:

01A01#01M01CHRC
BA 0011:25AM08-28-95

\$85.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

000755

DATE 9/13/95

ACCOUNT R 001-6150

96-75-A

AMOUNT \$

40 -

RECEIVED
FROM:

FOR: Request for Hearing

03A03#0390MICHRC
BA 0011:08AM09-13-95

\$40.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 95-75

Petitioner(s): _____

Location: _____

I/WE, BARBARA & FRANK WAGENHOFER
Name(s) ----- (TYPE OR PRINT)

(☒) Legal Owners () Residents, of

5633. OAKLAND RD. BALTIMORE, MD.
Address

(21227)

242-0936

City/State/Zip Code

Phone

which is located approximately left door feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Barbara Ann Wagenhofer
Signature Date
9-13-95
Signature Date

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 95-75-A
Petitioner(s): WAGENHOFFER, FRANK J.
Location: 5633 OAKLAND RD,
BALTIMORE, MD. 21227.

I/WE, _____
Name(s) (TYPE OR PRINT)

() Legal Owners () Residents, of

Address _____

City/State/Zip Code _____ Phone _____

which is located approximately _____ feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Signature _____ Date _____

Signature _____ Date _____

RECEIVED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 19, 1995

Michael and Terry Kuhn
5635 Oakland Road
Baltimore, Maryland 21227

Re: Case Number: 96-75-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

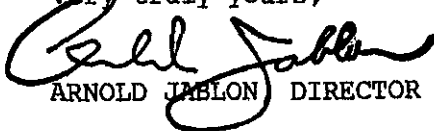
Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,


ARNOLD JABLON DIRECTOR





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF CASE NUMBER ASSIGNMENT

COPY

Re: CASE NUMBER: 96-75-A (Item 93)
5635 Oakland Road
E/S Oakland Road, 230' of c/l Francis Avenue

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before September 10, 1995. The closing date (September 25, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director
Department of Permits and Development Management

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 93

Petitioner: Michael A. Kuhn sr.

Location: 5635 Oakland rd. Balto. Md. 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael A. Kuhn sr.

ADDRESS: 5635 Oakland rd. Balto. Md. 21227

PHONE NUMBER: (410) 247-0654

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Michael and Terry Kuhn
5635 Oakland Road
Baltimore, MD 21227
247-0654

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-75-A (Item 93)
5635 Oakland Road
E/S Oakland Road, 230' of c/l Francis Avenue
13th Election District - 1st Councilmanic
Legal Owner: Michael Anthony Kuhn, Sr. and Terry L. Kuhn
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to allow an addition on top of the existing attached garage with a height of 16 feet in lieu of the maximum required 15 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

Mr. and Mrs. Michael Kuhn, Sr.
5635 Oakland Road
Baltimore, Maryland 21227

RE: Item No.: 93
Case No.: 96-75-A
Petitioner: M. A. Kuhn, et ux

Dear Mr. and Mrs. Kuhn:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 28, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112, and 113

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/12/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 11, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 93, 96, 97 & 99. (3)

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

RECEIVED
SEP 18 1995

ZADM





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-12-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 093 (JRF)



Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,


 Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 18, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for September 18, 1995
Items 093, 094, 097, 098, and 099

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

PETITION PROBLEMS

#93 --- JRF

1. Notary section is incomplete/incorrect.

#94 --- JRA

1. No telephone number for legal owner.

#97 --- JRA

1. No review information on bottom of petition form.

#98 --- JJS/JLL

1. No telephone number for legal owner.

#99 --- RT

1. Not marked "Critical Area".

#101 --- JCM

1. Need authorization for power of attorney from Register of Wills. (Petition for Commissions is signed by the personal representative, not the court. Also, the first page is cut off at the bottom.)

Delegate
Donald E
Murphy

Kuhn
case

Southwest Comm.
Center

500 Third Ave

B. Ind 21227

3299

October 18, 1995

This letter comes from people who live four houses away but utilize the back alley as a means of entering & exiting their back yard (traveled almost 30 years).

Since they don't live right on top of Mr. Kuhn's home, their opposition is different from ours. However, the concern about his personal property spilling out onto the alley as well as the cluttered appearance of his yard is shared.

MICROFILMED

16 October 1995

Zoning Committee
Baltimore County Government
Towson, Maryland

Dear Committee Members,

I am writing this letter to inform you of my opinion of the proposed variance for the "garage" at 5635 Oakland Road. I do not want a variance granted to allow the added height to the "garage".

I strongly feel that it is not built according to code standards, because I have witnessed the use of scrap lumber and, lumber that has been previously used elsewhere. I have genuine concerns regarding the stability of the structure, considering there are small children in that household, and there is a deck structure with chairs, etc. adjacent to the roof. It appears to be a haphazard design, and is not a strong selling point for any of the neighbors.

I am also concerned about the structure built outside the fence, adjacent to the alley - was there a permit issued for that structure as well? Does he have the proper permit to operate a business out of the "garage"? I have been told that he advertises in local papers such as the Howard County & Catonsville Times to haul away attic and estate materials. I do not wish to live in a commercial zone. I have tried to make my home nice, replaced windows, porches, put on siding, etc. and now I feel I cannot possibly sell my home without a fight for what it is properly worth, because of that "garage" that is now in place.

He began that "garage" without a permit, and had to stop work until he had one. Then he got the permit to continue work. I am sure that he knew the limits-- height, how close to the fence, etc., but as usual chose to ignore them, and build what he pleased. I guess he figured no one would put up a fuss, well, I hate to have controversy in the neighborhood, but I cannot let this go by without saying my piece. This is a small, quiet neighborhood, and this "garage" does not fit in. Nor does any business that he wishes to do in it.

I respectfully request that the Committee denies his request for a variance. It has greatly changed the landscape of the neighborhood, and not for the better. It will definitely reduce our property values, and makes me sad to see this type of structure being allowed to stand. I have nothing against a well built, well structured garage, but this structure does not match that definition.

Again, I state my opposition, and request that the variance be denied.

Sincerely,

Mr. & Mrs. Joseph W. Kaplan, Jr.

Patricia M. Kaplan
5631 Oakland Rd.

Witness: Thera Czerna

Witness: Thera Czerna

P.S. I regret that I cannot be there in person - I could not reschedule my patients. Thank You for listening to my point of view.

Dept of Permits
and Management

Dear Mr. Jathu

We are sending this letter in
response to case No. 96-75-A
Michael Lulu Sr. 5635 Oakland Rd
Baltimore Md.

We are not opposed to his
garage being a foot higher than
allowed. Our concern has always
been that the alley be kept clear
of trash and personal property to
allow cars and trucks to pass
through safely and to keep their
home as well as all our neighbors,
nice and neat to maintain a
attractive neighborhood.

Very Truly yours
James E. Wilford
James E. Wilford SR.

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

WAGENHOFER, FRANK J.

ADDRESS

5653. OAKLAND RD.
BALTIMORE, MD. 21227

BARBARA WAGENHOFER
Barbara Wagenhoffer

SAME AS ABOVE
same as above

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Mike Kerk sr. ☺
Thomas S. Kerk

5635 Oakland Ave.
1007 Broadway Blvd.

~~Mike Kerk~~
Kemper



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

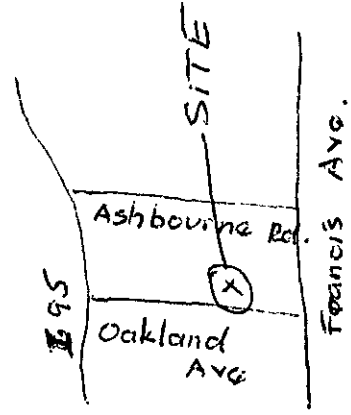
PROPERTY ADDRESS: 5635 OAKLAND RD

Subdivision name: HALETHROPE HEIGHT

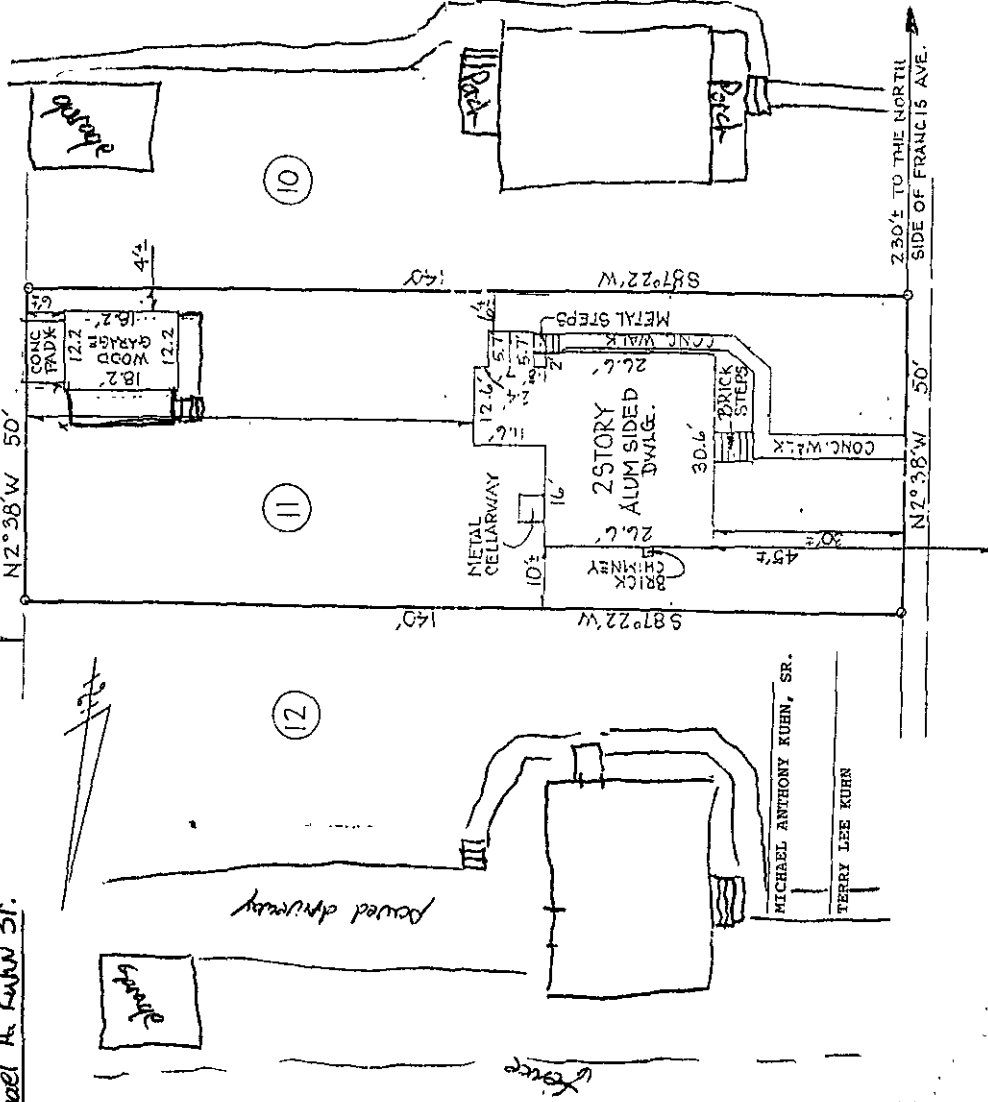
[plat book # 10, folio # 110, lot # 11, section 11]

OWNER: Michael A. Kuhn Sr.

96-75-A



Vicinity Map
North
scale: 1"=1000'



OAKLAND ROAD
(31' R/W)

* CONC PAD APPEARS TO ENCRDACH INTO 20' LANE

Scale of Drawing: 1"= 30'



North

date: 8-18-95

prepared by: ML

LOCATION INFORMATION

Election District: 13 III

Councilmanic District: C-1

1"=200' scale map #: SWC-D

Zoning: DR 5-5

Lot size: 7,000 square feet

public ☒ private ☐

SEWER: ☒

WATER: ☒

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: JH ITEM #: 93 CASE #:



taken 9/25/95

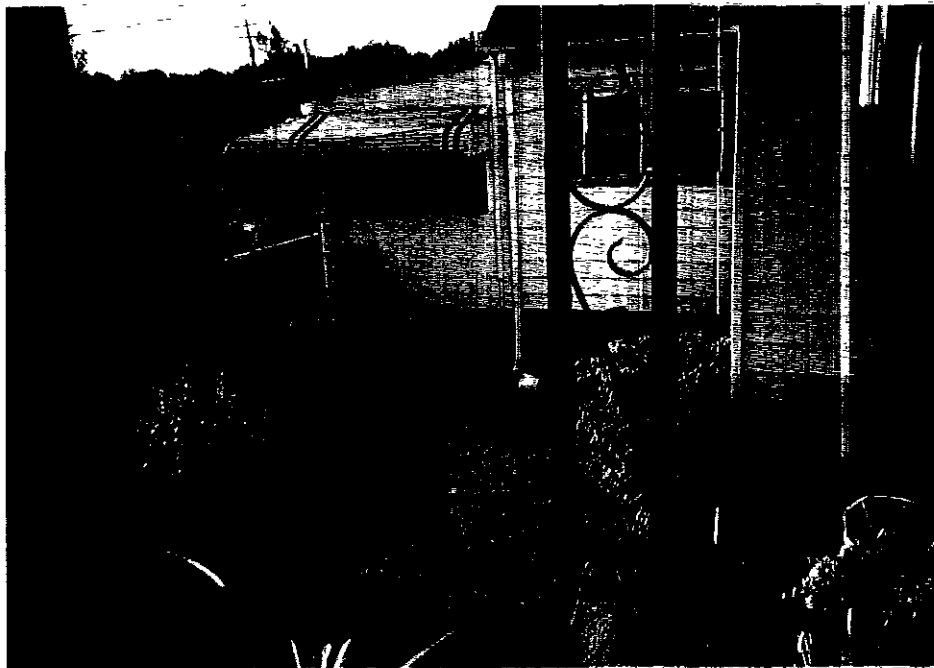
items removed from "stockade fence"
located outside fence into alley.

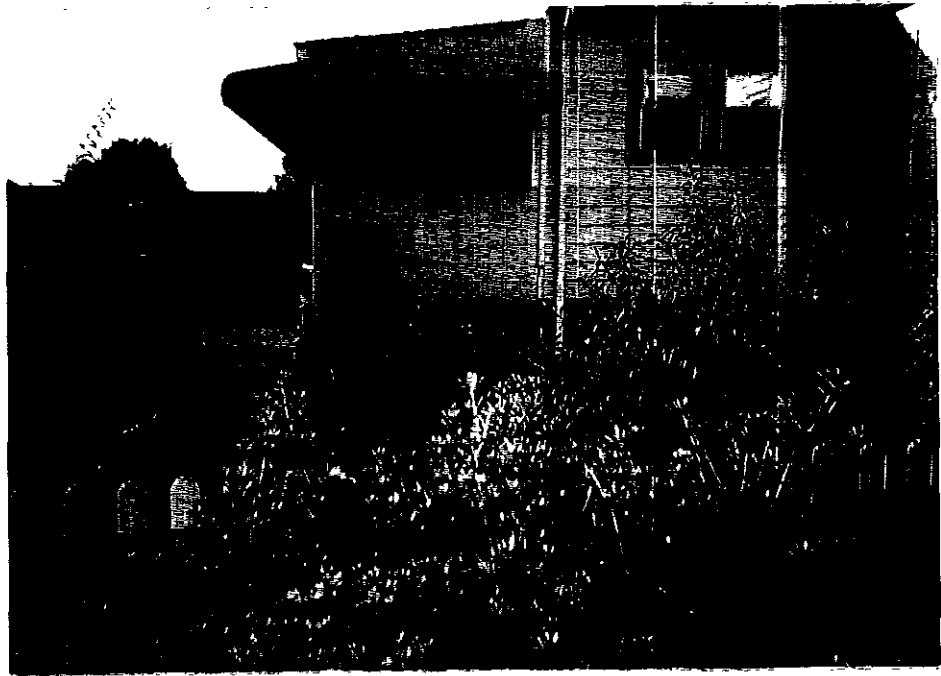
taken 9/25/95

items removed from "stockade fence"
located outside fence into alley.







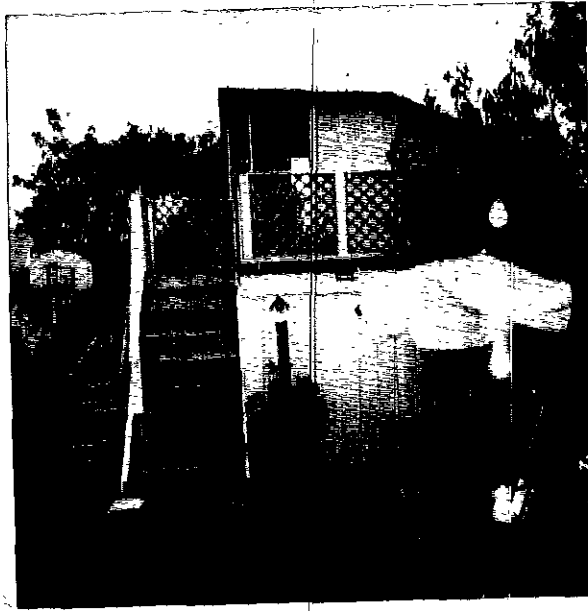


photographs

96-75-A

PETITIONER(S) EXHIBIT ()

Showing front
of site
West end



front to side
of site
North West end.



#93

MICROFILMED

96-75-A

PETITIONER(S) EXHIBIT ()

Back and side
of site
North east end



South east end
of site



CONTINUED

#93

Small.
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100-443887-100

IAHIC # 34482

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estimate, (410) 768-3100
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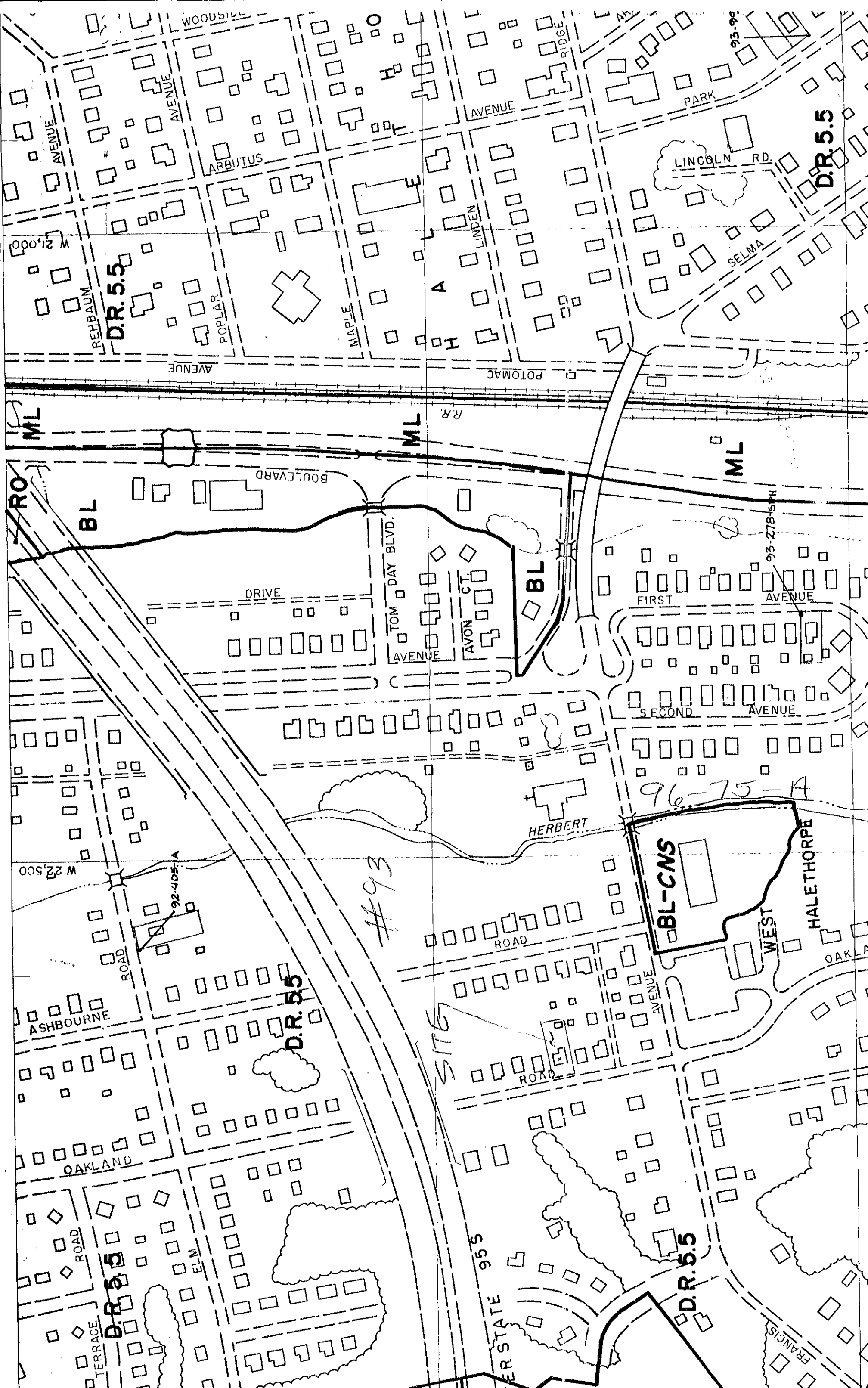
Target your market.
Call 410-997-4800.

tree & leaf removal
S. 410-241-207

October 11, 1995 The Catonsville Times 3

(SHEET SW - S-D)

SW 6-D



D.R. 5.5

D.R. 5.5

D.R. 5.5

D.R. 5.5

D.R. 5.5

BL-CNS

HALETHORPE

#93

96-75-A

SITE

ER STATE 955

FRANCIS

WEST

FIRST

AVENUE

SECOND

AVENUE

AVENUE

AVON CT

TOM DAY BLVD.

DRIVE

BOULEVARD

POTOMAC

AVENUE

ARBUTUS

POPLAR

MAPLE

AVENUE

PARK

LINCOLN RD.

SELMA

AVENUE

REHBAUM

AVENUE

WOODSIDE

RIDGE

AVENUE

93-92

W 22,500

92-405-A

93-278-SPH

OAKLAND

ROAD

TERRACE

ELM

ROAD

ROAD

OAKLAND

FRANCIS



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

96-75-A #93



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

96-75-A #93

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Oakland Road, 230' N of
the c/l of Francis Avenue
(5635 Oakland Road)
13th Election District
1st Councilmanic District
Michael A. Kuhn, Sr., et ux
Petitioners
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-75-A
*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 5635 Oakland Road, located in the vicinity of Washington Boulevard in Halethorpe. The Petition was filed by the owners of the property, Michael A. Kuhn, Sr., and his wife, Terry L. Kuhn. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to the existing detached garage with a height of 16 feet in lieu of the maximum permitted 15 feet. The subject property and relief sought are more particularly described on the site plan submitted, which was accepted into evidence as Petitioner's Exhibit 1.

This matter was originally filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code (BCC) which allows the Zoning Commissioner to grant variance relief without the necessity of a public hearing in some cases. In this instance, a request for public hearing was entered by Frank and Barbara Wagenhoffer, adjoining property owners. Thus, the matter was scheduled for a public hearing on October 18, 1995.

Appearing on behalf of the Petition were Michael A. Kuhn, Sr., property owner, and Thomas Kamper. Appearing in opposition to the request were Frank and Barbara Wagenhoffer, and their daughter.

Testimony and evidence offered revealed that the subject property consists of 7,000 sq.ft. in area, zoned D.R. 5.5, and is improved with a two-story dwelling which fronts Oakland Road, and the subject detached garage to the rear of the site, adjacent to a small alley. Mr. & Mrs. Kuhn have owned and resided on the property for the past 8 years. Testimony revealed that Mr. Kuhn commenced construction of an addition above the existing garage and that this addition is close to completion. Apparently, Mr. Kuhn's avocation is to collect and restore antique automobiles. In order to provide additional storage space for household goods and more room for pursuing this hobby, Mr. Kuhn constructed an addition above the existing garage which ultimately increased the height of the structure to 16 feet. Mr. Kuhn testified that the addition is in keeping with other improvements in the area and was the only logical method of expanding the garage to provide additional storage space.

For their part, the Wagenhoffers generally object to the garage. More specifically, they raised objections to Mr. Kuhn's use of the lot. Apparently, Mr. Kuhn is engaged in the business of hauling away and disposing of unusable items. The Wagenhoffer's fear that Mr. Kuhn will use the additional storage space for his business and voiced their objections to the use of the property as a junk yard and the storage of items associated with his business on or about the property.

Based on the testimony and evidence presented, I am persuaded to grant the variance. In my view, the Petitioners have satisfied the requirements of Section 307.1 of the B.C.Z.R. and the case law. The addition to the garage shall therefore be approved; however, several conditions shall attach to the approval given.

- 2 -

In view of the Wagenhoffer's assessment that the property should be properly maintained and used for residential purposes, only. Thus, as a restriction to the relief granted, I will require that the property, including the garage, be utilized for residential purposes, only, and activities properly accessory thereto. Moreover, the property owner shall maintain the property free of debris and clear of other items. To insure compliance with these restrictions, I will require that the Petitioners provide access to the property and the interior of the structure by a Zoning Enforcement Inspector of the Permits and Development Management (PDM) office. Upon reasonable request, the Inspector shall be given the opportunity to inspect the premises to insure compliance with this Order and the restrictions imposed therein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of October, 1995 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to the existing detached garage with a height of 16 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Petitioner shall not allow or cause the garage addition to be converted to a second dwelling unit

- 3 -

and/or apartments. The garage and its addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Permits and Development Management office, Zoning Enforcement Division, to make an inspection of the property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

4) The subject property, including the garage, shall be utilized only for residential purposes and activities properly accessory thereto. Furthermore, the property owner shall maintain the property free and clear of debris and other items.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

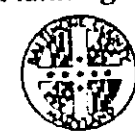
ORDER RECEIVED FOR FILING
Date 10/27/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 27, 1995

Mr. & Mrs. Michael A. Kuhn, Sr.
5635 Oakland Road
Baltimore, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Oakland Road, 230' N of the c/l of Francis Avenue
(5635 Oakland Road)
13th Election District - 1st Councilmanic District
Michael A. Kuhn, Sr., et ux - Petitioners
Case No. 96-75-A

Dear Mr. & Mrs. Kuhn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Frank J. Wagenhoffer
5633 Oakland Road, Baltimore, Md. 21227

Mr. & Mrs. Joseph W. Kaplan, Jr.
5631 Oakland Road, Baltimore, Md. 21227

People's Counsel

File



Petition for Administrative Variance 76-75-A to the Zoning Commissioner of Baltimore County for the property located at 5635 Oakland Rd. which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 400.3, B.C.Z.R.

To allow an addition on top of the existing detached garage with a height of 16 feet in lieu of the maximum required 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate by "up" or "down" practical difficulty)

see reverse side

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Petitioner/Lessee
Type or Print Name: Michael Anthony Kuhn Sr.
Signature: [Signature]
Type or Print Name: Terry L. Kuhn
Signature: [Signature]
Type or Print Name: Jerry L. Kuhn
Signature: [Signature]
Address: 5635 Oakland Rd. 410-247-0554
City: Baltimore, MD 21227
State: Maryland
County: Baltimore
Phone No.: [Blank]
Type or Print Name: [Blank]
Signature: [Blank]
Address: [Blank]
City: [Blank] State: [Blank] Zip Code: [Blank]
Phone No.: [Blank]

ORDER RECEIVED FOR FILING
Date 10/27/95
By [Signature]

RECEIVED BY: [Signature] DATE: 10/28/95
ESTIMATED FILING DATE: 9/10/95

Printed with Raychem Ink
on Recycled Paper

ITEM #: 93

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5635 Oakland Rd.
Baltimore, MD 21227

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (include variance or address change):

Having nearly spent all my savings on this project it truly would be a financial hardship on me since 3/4's of the project is complete

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a protesting and advertising fee and may be required to provide additional information.

[Signature] [Signature]
Michael A. Kuhn Sr. Jerry L. Kuhn
Terry L. Kuhn

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 28th day of August, 1995, before me, a Notary Public of the State of Maryland, to and for the County of Baltimore, personally appeared

Michael A. Kuhn

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal
10/28/95

[Signature]
Terry L. Kuhn
My Commission Expires: July 27, 1996

EXAMPLE 3 - Zoning Description - 3 copies

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANKS". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form: 76-75-A

ZONING DESCRIPTION FOR 5635 Oakland Rd.
(Address)

Beginning at a point on the East side of Oakland Rd.
(north, south, east or west) (name of street)
which is 50' wide. (number of feet of right-of-way width)
street on which property fronts) which is 50' (number of feet of right-of-way width)
wide at the distance of 230 ft. 16 ft. of the Francis Ave.
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street
(name of street)
which is 50' wide. (number of feet of right-of-way width) Being Lot # 11.
Block # [Blank] in the subdivision of Halethorpe Lots
(name of subdivision)
as recorded in Baltimore County Plat Book # 10, Folio # 110, containing
7000. Also known as 5635 Oakland Rd.
(square feet or acres) (property address)
and located in the 13th Election District, 1 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio #, and include the measurements and directions (metes and bounds only) here and on the plat in the correct location."

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

CK/RES10 (TXTSOPM)
REVISED 5/16/94

#93

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 130 Date of Posting: 9/9/95
Posted for: Variances
Petitioner: Anthony & Terry Kuhn
Location of property: 5635 Oakland Rd., E/D
Location of Sign: Along road way on property being zoned
Remarks:
Posted by: [Signature] Date of return: 9/13/95
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 130 Date of Posting: 9/29/95
Posted for: Variances
Petitioner: Michael & Terry Kuhn
Location of property: 5635 Oakland Rd.
Location of Sign: Along road way on property being zoned
Remarks:
Posted by: [Signature] Date of return: 10/4/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 21 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described below in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case: 96-75-A (Item 93)
5635 Oakland Road, 230' of c/o Francis Avenue
13th Election District - 1st Councilmanic
Legal Owner: Michael Anthony Kuhn, Sr. and Terry L. Kuhn
Hearing: Wednesday, October 18, 1995 at 11:00 a.m. in Room 106, County Office Building.
Variances to allow an addition on top of the existing attached garage with a height of 16 feet in line of the maximum required 15 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Petitioners are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3353.
9225 Set 28

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:
Re: Case Number: 96-75-A
Petitioner(s): WAGNER/ROPER, FRANK J.
Location: 5635 OAKLAND RD.
BALTIMORE, MD. 21227.

I/We, Frank J. Wagner (Type or Print)
() Legal Owners () Residents, of

Address

City/State/Zip Code

which is located approximately _____ feet from the property which is the subject of the request that a public hearing be set

Signature

Signature

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 9/13/95 ACCOUNT: R 001-6150
96-75-A AMOUNT: \$ 40.00

RECEIVED FROM:

FOR: Request for Hearing
03-053033010400
BA 001103403-13-95 \$40.00

VALIDATION OF SIGNATURE OF CASHIER

WHITE - CUSTOMER PINK - AGENCY YELLOW - CUSTOMER

City/State/Zip Code

which is located approximately 24 ft feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature

Signature

(21227)
242-0936

9-13-95



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 19, 1995

Michael and Terry Kuhn
5635 Oakland Road
Baltimore, Maryland 21227

Re: Case Number: 96-75-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,
Arnold Jablon
ARNOLD JABLON DIRECTOR

Printed with Soybean Ink on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-75-A (Item 93)
5635 Oakland Road
E/S Oakland Road, 230' of c/o Francis Avenue

COPY

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before September 10, 1995. The closing date (September 25, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director
Department of Permits and Development Management

Baltimore County Government
Office of Zoning, Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 93

Petitioner: Michael A. Kuhn Sr.

Location: 5635 Oakland Rd. Balto. Md. 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael A. Kuhn Sr.

ADDRESS: 5635 Oakland Rd. Balto. Md. 21227

PHONE NUMBER: (410) 247-0654

AJ:ggg

(Revised 04/09/93)

TO: POTENTIAL PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Michael and Terry Kuhn
5635 Oakland Road
Baltimore, MD 21227
247-0654

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-75-A (Item 93)
5635 Oakland Road
E/S Oakland Road, 230' of c/o Francis Avenue
13th Election District - 1st Councilmanic
Legal Owner: Michael Anthony Kuhn, Sr. and Terry L. Kuhn
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variances to allow an addition on top of the existing attached garage with a height of 16 feet in line of the maximum required 15 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-75-A (Item 93)
5635 Oakland Road
E/S Oakland Road, 230' of c/o Francis Avenue
13th Election District - 1st Councilmanic
Legal Owner: Michael Anthony Kuhn, Sr. and Terry L. Kuhn
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variances to allow an addition on top of the existing attached garage with a height of 16 feet in line of the maximum required 15 feet.

Arnold Jablon
Director

cc: Michael and Terry Kuhn
Barbara and Frank Macenochieff

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

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Printed with Soybean Ink on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

Mr. and Mrs. Michael Kuhn, Sr.
5635 Oakland Road
Baltimore, Maryland 21227

RE: Item No.: 93
Case No.: 96-75-A
Petitioner: M. A. Kuhn, et ux

Dear Mr. and Mrs. Kuhn:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 28, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112, and 113

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Kinn*

PK/JL

ITEM78/PZONE/TXTJWL

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/12/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 11, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 93, 96, 97 & 99.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-12-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 093 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#93 -- JRE

1. Notary section is incomplete/incorrect.

#94 -- JRA

1. No telephone number for legal owner.

#97 -- JRA

1. No review information on bottom of petition form

#98 -- JJS/JLL

1. No telephone number for legal owner.

#99 -- RI

1. Not marked "Critical Area".

#101 -- JCM

1. Need authorization for power of attorney from Register of Wills. (Petition for Commissions is signed by the personal representative, not the court. Also, the first page is cut off at the bottom.)

*Delegate
Donald E
Murphy
Sacramento Comm.
Center
500 J Ford Ave
B. Ind 21227-88
3249*

October 18, 1995

*This letter comes from people who
live four houses away, but utilize
the back alley as a means of
entering & exiting their back yard
(traveled almost 30 years).*

*Since they don't live right on
top of Mr. Kuhn's home, their
opposition is different from ours.
However, the concern about his
personal property spilling out onto
the alley as well as the cluttered
appearance of his yard is shared.*

16 October 1995

Zoning Committee
Baltimore County Government
Towson, Maryland

Dear Committee Members,

I am writing this letter to inform you of my opinion of the proposed variance for the "garage" at 5635 Oakland Road. I do not want a variance granted to allow the added height to the "garage".

I strongly feel that it is not built according to code standards, because I have witnessed the use of scrap lumber and, lumber that has been previously used elsewhere. I have genuine concerns regarding the stability of the structure, considering there are small children in that household, and there is a deck structure with chairs, etc. adjacent to the roof. It appears to be a haphazard design, and is not a strong selling point for any of the neighbors.

I am also concerned about the structure built outside the fence, adjacent to the alley - was there a permit issued for that structure as well? Does he have the proper permit to operate a business out of the "garage"? I have been told that he advertises in local papers such as the Howard County & Caronsville Times to haul away attic and estate materials. I do not wish to live in a commercial zone. I have tried to make my home nice, replaced windows, porches, put on siding, etc. and now I feel I cannot possibly sell my home without a fight for what it is properly worth, because of that "garage" that is now in place.

He began that "garage" without a permit, and had to stop work until he had one. Then he got the permit to continue work. I am sure that he knew the limits - height, how close to the fence, etc. but as usual chose to ignore them, and build what he pleased. I guess he figured no one would put up a fuss, well, I hate to have controversy in the neighborhood, but I cannot let this go by without saying my piece. This is a small, quiet neighborhood, and this "garage" does not fit in. Nor does any business that he wishes to do in it.

I respectfully request that the Committee denies his request for a variance. It has greatly changed the landscape of the neighborhood, and not for the better. It will definitely reduce our property values, and makes me sad to see this type of structure being allowed to stand. I have nothing against a well built, well structured garage, but this structure does not match that definition.

Again, I state my opposition, and request that the variance be denied.

Sincerely,

Mr. & Mrs. Joseph W. Kaplan, Jr.

Joseph W. Kaplan
5631 Oakland Rd.

Witness: *Theresa Lyons*

P.S. I regret that I cannot be there in person - I could not reschedule my petition. Thank you for listening to my point of view.

Dept of Permits
And Management

Dear Mr. Jallaw

We are sending this letter in
response to case No. 96-75-11
Michael Rubin Sr. 5635 Oakland Rd
Bald Md.

We are not opposed to his
garage being a few higher than
valleau. Our concern has always
been the the alley he kept clean
of trash and personal property to
allow cars and trucks to pass
through safely and to keep their
home as well as all our neighbors,
nice and need to maintain a
attractive neighborhood.

Very truly yours
Garry Sheffield
Garry Sheffield Sr.

PLEASE PRINT CLEARLY

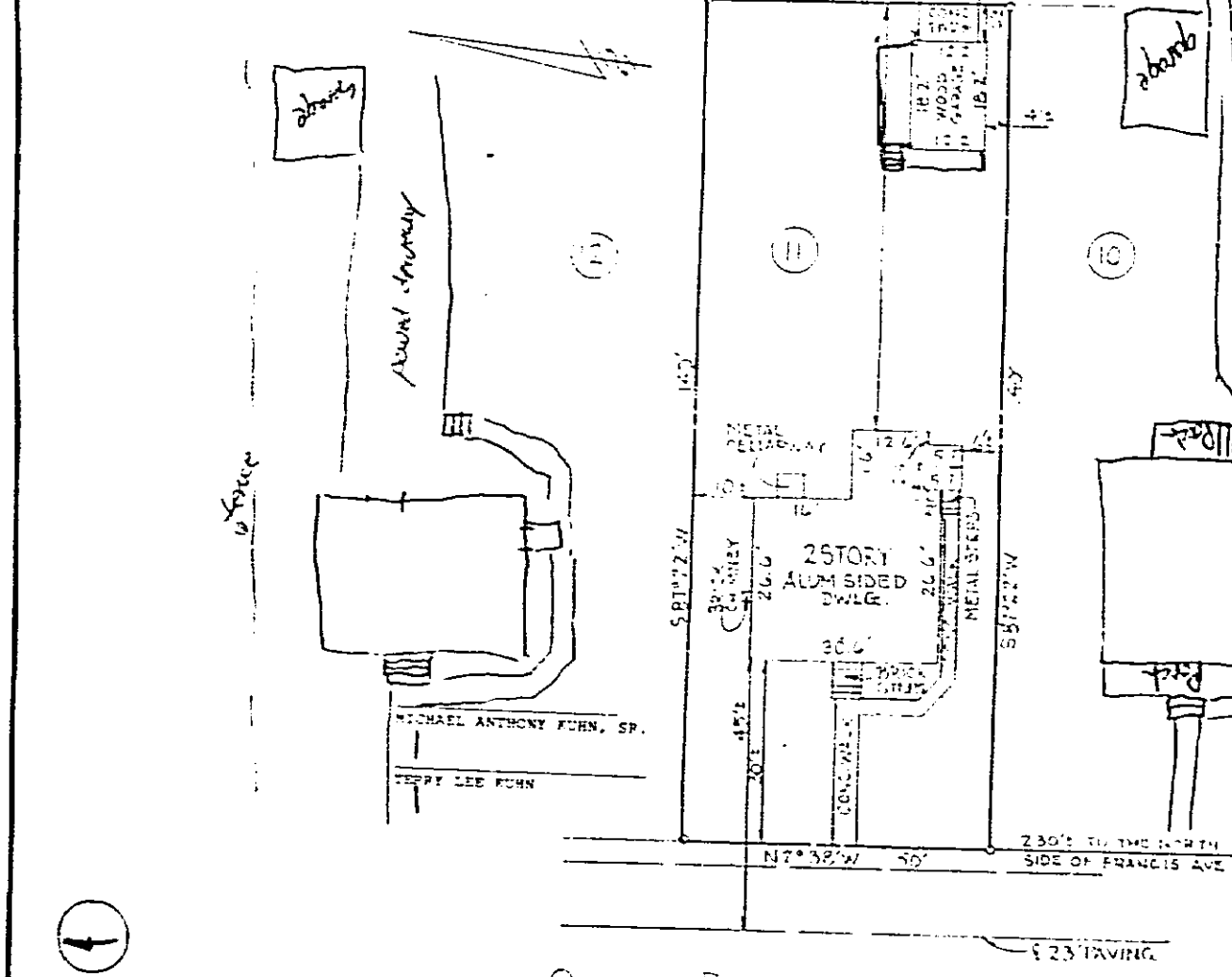
PROTESTANT(S) SIGN-IN SHEET

NAME: WAGGONER, FRANK J. ADDRESS: 5635 OAKLAND RD.
BALTIMORE, MD 21227

NAME: JARVIS WAGGONER ADDRESS: SAME AS ABOVE
Barbara Waggoner same as above

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 5635 OAKLAND RD.
Subdivision name: HALETHROPE HEIGHTS
Plat book: 10, folio: 112, lot: 11, section: 11
OWNER: Michael A. Rubin Sr.



North
date: 9-19-95
prepared by: ML

Oakland Road
(31' wide)
Scale of Drawing: 1" = 30'

96-75-A
SITING
Francis Ave.
Vicinity Map
Scale: 1"=1000'
LOCATION INFORMATION
Election District: 13
Councilmanic District: C-1
1"=200 scale map: SWC-D
Zoning: DR-55
Lot size: 7,000 square feet
Sewer: ☒
Water: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: NONE
Zoning Office USE ONLY!
reviewed by: 73 ITEM #: CASE#

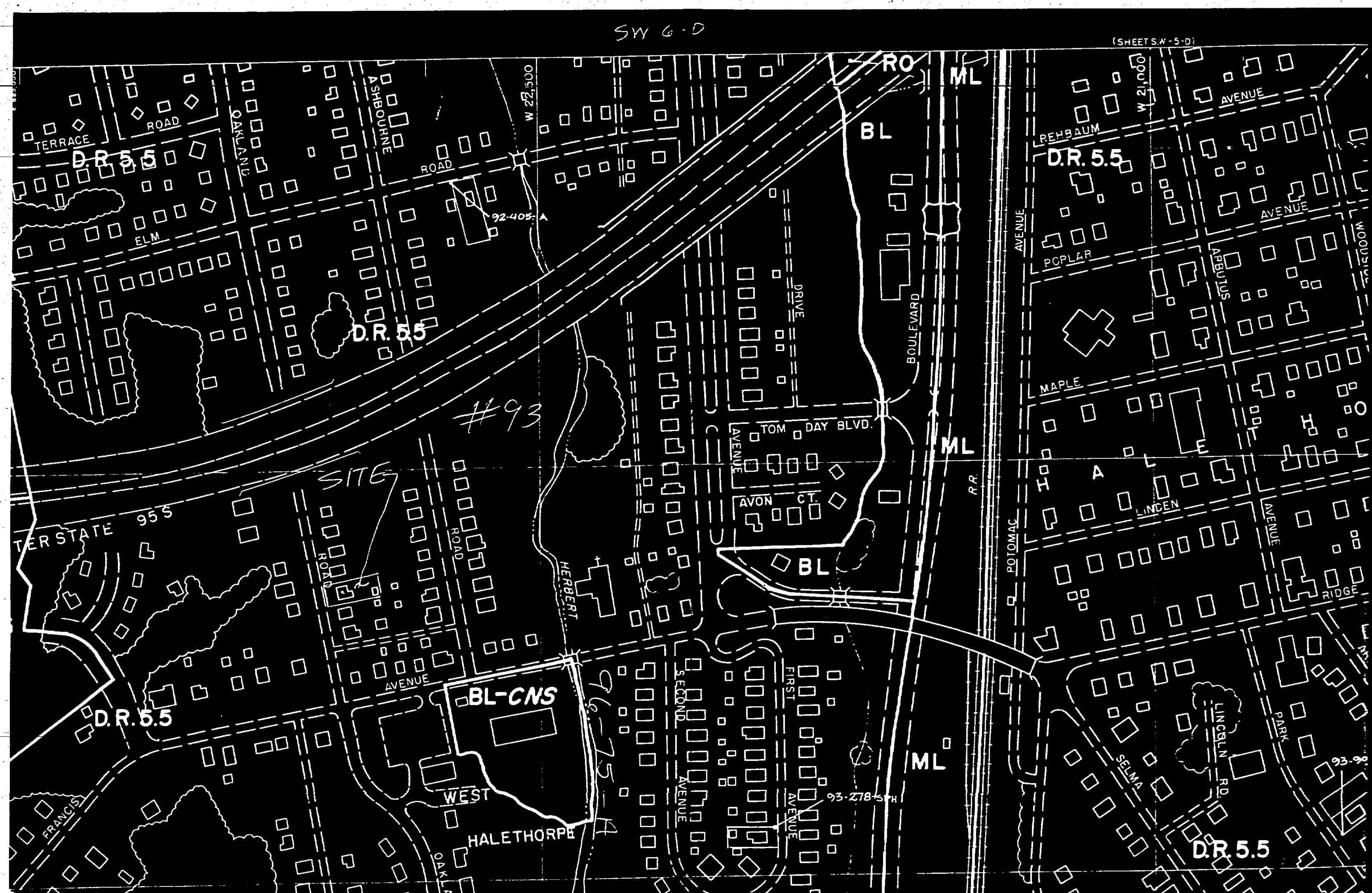
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: Life Rubin Sr. & Co. ADDRESS: 5635 Oakland Rd.
Baltimore, MD

Robert Rubin
Robert Rubin

General Services, Home Improvement, Lawn & Garden, Fins & Wings 4-Legged Things, Cooper Paving, M.T. Land Paving, C&G Asphalt, Target your market, Land a Citibank mortgage and take off on American Airlines, and various other advertisements.



96-75-A

#93



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
HARTSBURG, W.V. 25801

SCALE	LOCATION	SHEET
1" = 200' ±	HALETHORPE	SW 6-D
DATE OF PHOTOGRAPHY JANUARY 1966		